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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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GULINO, ET AL.,

Plaintiffs,

96-CV-8414 (KMW)
ORDER

-against-

THE BOARD OF EDUCATION OF THE
CITY SCHOOL DISTRICT OF THE CITY
OF NEW YORK,

Defendant.

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WOOD, U.S.D.J.:

On September 11, 2014, Plaintiffs submitted a letter to the Court seeking an injunction pursuant to the Court’s holding that the New York City Board of Education (“BOE”) “violated Title VII by requiring Plaintiffs to pass the [LAST] exam in order to receive a teaching license,” *Gulino v. Bd. of Educ. of City Sch Dist of City of New York*, 907 F. Supp. 2d 492, 523 (S.D.N.Y. 2012) (Wood, J.). (Injunction Ltr. 1 [ECF No. 490]). Both parties had agreed on the language of the proposed injunction. (*Id.* at 1). On October 7, 2014, the Court held a hearing to assess the merits of this injunction with the parties and subsequently ordered the parties to work together, in concert with the New York State Education Department (“SED”), to amend the proposed injunction. (Tr. [ECF No. 510] at 34–38). As a result of this effort, on November 21, 2014, the parties proposed to the Court a newly-phrased injunction. (Injunction Ltr. 2 [ECF No. 527]).

As the Second Circuit has held, “[o]nce a violation of Title VII is established, the district court possesses broad power as a court of equity to remedy the vestiges of past discriminatory

practices.” *Rios v. Enterprise Ass’n Steamfitters Local 638*, 501 F.2d 622, 629 (2d Cir. 1974); *see also Gulino*, 907 F. Supp. 2d at 508 (“Title VII provides the Court with ‘broad equitable powers’ in order to provide victims of employment [discrimination] with ‘complete relief.’” (quoting *Loeffler v. Frank*, 486 U.S. 549, 558 n. 6 (1988))).


The Court therefore adopts the November 21, 2014 injunction language the parties jointly submitted to the Court and enjoins the BOE as follows:

- (1) The City School District for the City of New York is restrained from using the failure of any Liberal Arts and Sciences Test (“LAST”) examination administered on or before February 13, 2004 in making any employment determinations for class members, as defined in the Court’s order dated June 17, 2014 [ECF No. 447].
- (2) Class members, who took and failed the LAST examination administered on or before February 13, 2004, shall be deemed to be certified by the State of New York solely for purposes of employment by the City School District of the City of New York and the operation of the School District, despite having failed the LAST, if those class members can establish to the satisfaction of the Court:
 - a) that the class member satisfied New York State’s certification requirements for a provisional certificate in the certificate title sought, other than passing the LAST, during the period that the LAST was a prerequisite for New York State certification,
 - or,
 - b) that the class member was appointed under a New York City Board of Examiners Credential and satisfied the requirements, other than the requirement to pass the LAST, necessary for continued appointment, otherwise known as “the maximum requirements,” that were in effect at the time that the Board of Examiners ceased operating,
 - or,
 - c) that the class member meets all current requirements for employment as a teacher by the City School District for the City of New York, except for the requirement to take and pass the Academic Literacy Skills Test (“ALST”).
- (3) Class members will have four years from the date of the entry of this Order to demonstrate their satisfaction of the criteria set forth in Paragraph (2) above.
- (4) Class members seeking permanent employment by the City School District for the City of New York pursuant to this Order, must, in addition to satisfying one of the

subparagraphs of paragraph (2) above, also comply with the current State-mandated workshops in: (a) child-abuse identification and reporting, and school violence prevention and intervention; (b) the needs of students with autism for certain classroom teaching titles; and (c) harassment, bullying and discrimination prevention and intervention as these requirements are codified in New York State Regulations 80-1.4, 80-1.12 & 80-1.13 before they may be hired for permanent employment by the City School District for the City of New York. Class members that establish their compliance with one of the subparagraphs of Paragraph (2) will not be required to bear the costs associated with complying with these workshops.

SO ORDERED.

DATED: New York, New York
November 24, 2014



KIMBA M. WOOD
United States District Judge